



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

June 19, 2020

Maureen R. Egner
Skelly and Loy, Inc.
449 Eisenhower Boulevard Suite 300
Harrisburg, PA 17111

Re: Freedom of Information Act Appeal No. EPA-2020-005177 (Request No. EPA-HQ-2020-003532)

Dear Ms. Egner:

I am responding to your June 11, 2020 Freedom of Information Act (FOIA) appeal. You appealed the April 27, 2020 decision of Kevin W. Hill of the U.S. Environmental Protection Agency (EPA or Agency) National FOIA Office in response to the request you submitted on March 12, 2020. Your request is seeking the following records about specific properties: northeast quadrant of the SR 0061 over the Schuylkill River bridge in Tilden Township, Berks County, PA. The April 27, 2020 decision closed your request and indicated the information was publicly available in EPA's MyProperty database. Your appeal states that you were unable to locate the information you were seeking using the MyProperty database. Your appeal explained that you sought "to obtain a copy of the studies that include sample location maps and results associated with the Berry Property Site and Schuylkill River in this vicinity."

I have carefully considered your request, EPA's decision, and your appeal. I have determined that your appeal should be denied, however the Agency will open a new request based on the new information provided in your appeal. Your request provided no information but a site address. Therefore, the EPA program referred you to the MyProperty database for the information sought. However, your appeal provided additional, new information describing the records that you are requesting. Accordingly, I am requesting that the National FOIA Office open a new request based on your appeal and assign the request to the EPA office most likely to have responsive records. *See* 40 C.F.R. § 2.104(k). You will be provided the new tracking number.

This letter constitutes EPA's final determination on this matter. Pursuant to 5 U.S.C. § 552(a)(4)(B), you may obtain judicial review of this determination by filing a complaint in the United States District Court for the district in which you reside or have your principal place of business, or the district in which the records are situated, or in the District of Columbia. Additionally, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) within the National Archives and Records Administration was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD,

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20740-6001; e-mail, ogis@nara.gov; telephone, 202-741-5770 or 1-877-684-6448; and fax, 202-741-5769.

Should you have any questions concerning this matter, please call Scott Albright, at 202-564-2884.

Sincerely,

Kevin M. Miller
Assistant General Counsel
General Law Office

cc: Kevin Hill, EPA National FOIA Office
Nicole Rementer, EPA National FOIA Office